

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

A.F., by and through her parent and
next friend, CHRISTINE B.,
Plaintiffs,

vs.

No. 1:12-CV-01166-RB-KBM

ESPANOLA PUBLIC SCHOOLS and
THE BOARD OF EDUCATION FOR THE
ESPANOLA PUBLIC SCHOOL DISTRICT,

Defendants.

**ORDER GRANTING MOTION FOR AN INDEPENDENT
MENTAL EXAM UNDER RULE 35**

THIS MATTER comes before the Court on Defendants' unopposed Motion for an Independent Mental Examination Under Rule 35 (Doc 92). The Court having reviewed the Motion and being otherwise fully advised in the premises, the Court

FINDS that good cause exists for granting the motion, and therefore

ORDERS that Plaintiff A.F. present herself for examination as follows:

Time: 1:00 to 5:00 p.m. on two consecutive afternoons, October 3 and 4.

Place: Offices of Dr. Anne Rose, 11005 Spain Rd NE Ste 8, Albuquerque, NM

Professional to Perform the Exam: Anne Rose, PhD

Manner, conditions, and scope: Evaluate Plaintiff for any emotional distress or mental health conditions, any cognitive issues, and the matters addressed in Dr. Lang's reports, and to the extent possible to evaluate potential causes of any emotional distress or other diagnosable conditions, following generally accepted professional standards for psychological examinations and the professional judgment of Dr. Rose. Note however that Plaintiff asserts an objection that the scope of the examination was expanded beyond

an examination to determine issues related to AF's emotional distress, as originally described by Defendants, but Plaintiff agrees that the IPE can go forward on Thursday and Friday, October 3 and 4, 2013, as described, with Plaintiff's reserving the right to move to strike upon receipt of the expert's report.

FURTHER the Court ORDERS that Defendants shall pay directly for overnight lodging in Albuquerque for Plaintiff and her mother, and reimburse Plaintiff's mother for reasonable meal expenses not to exceed \$170 and for roundtrip mileage from the home to the offices of Dr. Rose at the current rate for state employees.


HONORABLE KAREN B. MOLZEN

SUBMITTED:

/s/ Mary Keleher Castle
Mary Keleher Castle
Attorney for Defendants

Electronically Approved September 30, 2013
Nancy Simmons
Debra Poulin
Attorneys for Plaintiff